



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)

(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

Agency: Department of Ecology – AO # 06-07

Subject of possible rule making: Department of Ecology is proposing new rules to regulate electronic product recycling. These rules will implement ESSB 6428, passed by the 2006 legislature.

This rule making will occur in two phases. The first phase will focus on the registration and renewal portions of the law, fee structure, brand labeling and other related requirements. This will be followed by a second phase that will address the remaining rules required by the law, such as more details on recycling plans, requirements for manufacturers and retailers, collectors, transporters and plan implementers and performance standards for processors. It is the department's intention to develop these rules in a manner consistent with all agency regulatory rules such as, but not limited to, 173.303 and 173.350, related to solid and hazardous waste and recycling. To that end the department will review and possibly amend other administrative rules, to assure consistency.

Statutes authorizing the agency to adopt rules on this subject: Chapter 183, Laws of 2006 (ESSB 6428)

Reasons why rules on this subject may be needed and what they might accomplish: These rules are required by the new law that creates an electronic product recycling program within the state. The legislature found that a convenient, safe, and environmentally sound system for the collection, transportation, and recycling of covered electronic products must be established. The legislature further recognized that the system must encourage the design of electronic products that are less toxic and more recyclable. The legislature also found that the responsibility for this system must be shared among all stakeholders, with manufacturers financing the collection, transportation, and recycling system.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:
None

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study

☒ Other (describe) Ecology will form an advisory committee made up of representatives of electronics manufacturers, retailers, environmental groups, local governments, non-profit organizations, recycling industry and other interested parties. Ecology will post information on its website and send information to interested parties. Ecology will hold public hearings on the rule language. The rule will be developed in two phases. Phase 1 will deal with manufacturer registration and fees due to the Department of Ecology. Phase 2 will deal with the balance of the required rule making.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication: (List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.) Ecology will post information on its website, send information to interested parties, and form an advisory committee. Ecology will hold public hearings on the rule language.

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DATE 05/05/06	CODE REVISER USE ONLY CODE REVISER'S OFFICE STATE OF WASHINGTON FILED MAY 5 2006 TIME 10:48 AM WSR 06-11-024
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